

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

SALVADOR NUNEZ, :
Petitioner,

Case No. 3:09-cv-142

: District Judge Thomas M. Rose
-vs- Magistrate Judge Michael J. Newman

WARDEN TIMOTHY BRUNSMAN,

Respondent. :

ORDER ADOPTING REPORT AND RECOMMENDATION (DOC. 8)

The Court has reviewed the April 10, 2012 Report and Recommendation of United States Magistrate Judge Michael J. Newman (doc. 8), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b)(2) has expired, and following a *de novo* review, hereby **ADOPTS** said Report and Recommendation.

Accordingly, it is hereby **ORDERED** that Petitioner's petition for a Writ of *Habeas Corpus* under 28 U.S.C. § 2254 is **DISMISSED WITH PREJUDICE**, and this case is **TERMINATED** on the Court's docket. Petitioner is **DENIED** a certificate of appealability.

IT IS SO ORDERED.

May 4, 2012

*s/**THOMAS M. ROSE**

Thomas M. Rose
United States District Judge